



Entered on Docket
June 26, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**ORDER SUSTAINING THIRD OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING PRIORITY STATUS**

The USACM Liquidating Trust (the "USACM Trust") filed its Third Omnibus Objection to Claims Asserting Priority Status [DE 3261] (the "Objection") on March 23, 2007. Appropriate notice of the Objection was given. A Response to the Objection was filed with this Court as follows:

- Response filed by Kelly J. Brinkman on behalf of Daniel Oberlander [DE 3453] pertaining to Claim Nos. 10725-00762, 10725-00952 and 10725-00969. An Order Approving Stipulation re Claims of Daniel Oberlander [DE 3725] was signed by this Court on May 13, 2007 allowing Daniel Oberlander a priority claim in the amount of \$1,482.58.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Second Omnibus Objection to Claims Asserting Priority Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

1
2 APPROVED/DISAPPROVED

3 **GOOLD PATTERSON ALES & DAY**

4 By: 

5 Kelly J. Brinkman
6 Attorneys for Daniel Oberlander

7 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

8 In accordance with Local Rule 9021, the undersigned certifies:

- 9 ☐ The Court waived the requirements of LR 9021.
- 10 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who have appeared at the hearing regarding this matter and/or who filed
12 a written objection and each has:
- 13 ☒ approved the form of this order;
- 14 ☐ waived the right to review the order;
- 15 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 16 ☐ failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b).
- 17 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
18 parties who appeared at the hearing regarding this matter and/or who filed a
19 written objection and all have either approved the form of this order, waived the
right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order:
- 20 ☐ No opposition was filed to the motion and no other party or counsel appeared at
the hearing (none required).

21
22 **LEWIS AND ROCA LLP**

23
24 By: /s/ RC (#0006593)

25 Susan M. Freeman
26 Rob Charles
Attorneys for USACM Liquidating Trust

Exhibit A
USA COMMERCIAL MORTGAGE

3rd Objection to Claimants Asserting Priority Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim</u>		<u>Date Claim</u>	<u>Proof of Claim</u>		<u>Proof of Claim</u>	<u>Proposed Treatment/Comments</u>
		<u>Number</u>	<u>Filed</u>	<u>Amount</u>	<u>Priority</u>	<u>Asserted</u>	<u>Objection</u>	
1	Oberlander, Daniel 5532 Spearfish Lake Ct. Las Vegas, NV 89148-7645-	40725-00762	4/4/2006	Blank		P	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
2	Oberlander, Daniel 5532 Spearfish Lake Ct. Las Vegas, NV 89148-7645-	40725-00969	4/4/2006	\$1,482.58		P	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
3	Olympia Capital Management C/O Geraldine Houghton 2871 Pinta Perris, Ca 92571	10725-01254	11/9/2006	\$100,000.00		S P, U - unknown	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
4	Oppio, Catherine Po Box 15 430 Gonowabie Crstal Bav. NV 89402	10725-01846	1/4/2007	\$252,021.41		P	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
5	Owens, Milton 1094 7Th St San Pedro, Ca 90731	10725-00570	10/12/2006	\$26,129.00		S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
6	Paczosa, Stanley 8617 Linderwood Las Vegas, NV 89134	10725-01222	11/10/2006	\$72,070.98		P	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
7	Parker, Lexey S 4005 Plateau Rd Reno, NV 89519	10725-01807	12/20/2006	\$21,477.82		P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.	
8	Perrone, Catherine 923 Croton Rd Celebration, FL 34747-4843	10725-00807	10/30/2006	\$180,000.00		P	Claim is not entitled to priority status and should be classified as a general unsecured claim.	

3rd Objection to Claims
Asserting Priority Status

EXHIBIT A

9	Raymond Troll Trust C/O Raymond Troll Trustee 77420 Sky Mesa Ln Indian Wells, CA 92210-6103	10725-01815	12/18/2006	\$29,794.30	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
10	Raymond Troll Trust C/O Raymond Troll Trustee 77420 Sky Mesa Ln Indian Wells, CA 92210-6103	10725-01816	12/18/2006	\$35,117.06	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
11	Renee Leff-Kaplan 4330 Romero Drive Tarzana, CA 91356	10725-00618	10/17/2006	\$60,000.00	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
12	Ricci, Michael H 1204 Camballeria Dr Carson City, NV 89701-8655	10725-01638	12/8/2006	\$27,057.95	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
13	Ricci, Michael H 1204 Camballeria Dr Carson City, NV 89701-8655	10725-01639	12/8/2006	\$8,076.92	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
14	Ricci, Michael H 1204 Camballeria Dr Carson City, NV 89701	10725-01641	12/8/2006	\$136,058.88	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
15	Riordan, Cecil E & Barbara 2370 Overlook Ct Reno, NV 89509	10725-01913	1/10/2007	\$57,069.30	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
16	Roach, Blair & Barbara K Po Box 1238 Zephvr Cove, Nv 89448	10725-02293	1/12/2007	\$7,000.00	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
17	Robert L Ogren Trust Dtd 6/30/92 C/O Robert L Ogren Trustee 3768 Rick Stratton Dr Las Vegas, NV 89120-2647	10725-01543	12/4/2006	\$121,334.20	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
18	Robert W Ulm Living Trust Robert W Ulm Trustee 414 Morning Glory Rd St Marvs, Ga 31558	10725-01148	11/9/2006	Unknown	S, P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.

19	Santoro Family Trust Utd 4/29/02 C/O Nicholas J & Juanita Santoro Ttees 2312 Pearl Crest St Las Vegas, NV 89134-6732	10725-01472	11/15/2006	\$300,000.00	P, U -- Unknown S	Claim is not entitled to priority status and should be classified as a general unsecured claim.
20	Santoro Family Trust Nicholas & Juanita Santoro Ttees 2312 Pearl Crest St Las Vegas, NV 89134-6732	10725-00812	11/13/2006	\$300,000.00	P, U - Unknown S	Claim is not entitled to priority status and should be classified as a general unsecured claim.
21	Scheidegger Family Trust Dtd 12/26/01 C/O Edward J Scheidegger Trustee 5101 Cashmere Ct Fair Oaks, CA 95628-5365	10725-00332	9/28/2006	\$50,000.00	P - Unknown S	Claim is not entitled to priority status and should be classified as a general unsecured claim.
22	Silvestri, Silvio & Kathryn 13621 Wolf Rd Grass Valley, CA 95949-8187	10725-00456	10/5/2006	\$74,340.00	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
23	Smith, Fraser 2620 Western Ave Las Vegas, NV 89109	10725-01710	10/11/2006	\$5,810.00	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
24	Stewart, John W 5600 Boulder Hwy Apt S1572 Las Vegas, NV 89122	10725-01819	12/26/2006	\$60,560.00	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
25	Stewart, Lynda 4605 E. Juana Ct. Cave Creek, AZ 85331	10725-00575	10/13/2006	Blank	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
26	Stimpson, Shawn A 5799 Cathedral Peak Dr Sparks, NV 89436-1848	10725-00463	10/6/2006	\$50,000.00	P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
27	Stimpson, Shawn 5799 Cathedral Peak Dr Sparks, NV 89436	10725-00464	10/6/2006	\$50,000.00	P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
28	Stoebling, David 3568 E Russell Rd Ste D Las Vegas, NV 89120-2234	10725-00946	11/2/2006	\$979.54	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.

29	Stoebling Family Trust C/O David Stoebling Trustee 3568 E Russell Rd Ste D Las Vegas, NV 89120-2234	10725-00945	11/2/2006	\$50,000.00	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
30	Stoebling Family Trust C/O David Stoebling Trustee 3568 E Russell Rd Ste D Las Vegas, NV 89120-2234	10725-01068	11/2/2006	\$100,000.00	P, S	Claim is not entitled to priority status and should be classified as a general unsecured claim.
31	The M. Evelyn Fisher Revocable Trust Dated 11/07/05 C/O M. Evelyn Fisher, And/OR Successor(S) In Trust 12051 S. Cherokee Ln. Tucson AZ 85736-1317	10725-00578	10/23/2006	\$206,132.75	S, P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
32	Turok, Noemi N 8808 Rainbow Ridge Dr Las Vegas, NV 89117-5815	10725-01174	11/10/2006	\$50,000.00	P, S, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
33	Valley Investments Corp 3131 Meade Ave Ste A-1 Las Vegas, NV 89102-7809	10725-00357	10/2/2006	\$1,492.91	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
34	Wahl, David C Po Box 8012 Mammoth Lakes, CA 93546-8012	10725-02313	1/13/2007	\$10,238.91	P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
35	Wahl, David C Po Box 8012 Mammoth Lakes, CA 93546-8012	10725-02335	1/13/2007	\$15,542.15	P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
36	Warwick, William 170 Dayton St Danvers, MA 01923	10725-00434	10/4/2006	\$57,833.00	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
37	Weicherding, Gary 4960 Harrison Dr #107 Las Vegas, NV 89120	10725-01260	11/10/2006	\$53,500.00	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
38	Weicherding, Gary 4960 Harrison Dr #107 Las Vegas, NV 89120	10725-01260	11/10/2006	\$3,500.00	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.

3rd Objection to Claims
Asserting Priority Status

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